

07-27-04

DACA

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: US Patent Application 09/917,504
Filed July 27, 2001
Title Large Apertured Projection Lens with Minimal Diaphragm Error
Applicant Schuster
Art Unit 2873
Examiner Deborah A. Raizen
Telephone (571) 273 2336
Fax (Organization) (571) 273 2336
Attorney Docket (Z) 99069 P US

RECEIVED

AUG 02 2004

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OFFICE OF PETITIONS

Mail Stop Office of Petitions
PO Box 1450
Commissioner for Patents
Alexandria, Va. 22313-1450

AUG 18 2004

OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

Petition to Reconsider Holding of Abandonment under 37 CFR 1.181 and MPEP 711.03

Ladies and Gentlemen:

This is in response to the enclosed Notice of Abandonment mailed June 8, 2004.

This application was abandoned for failure to timely reply to the Office letter mailed on
29 May 2003.

The following are included in this submission, deposited with the US Postal Service as
express mail on July 25, 2004:

- A copy of the Notice of Abandonment mailed June 8, 2004.
- A copy of Applicant's response (originally mailed with a first class mail certification on November 3, 2003).*
- A copy of the US Postal Service mailing receipt dated November 3, 2003 and noting "Schuster 99069"
- A Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181.
- Alternatively, a Petition to Revive for Unavoidable Abandonment
- Express Mail Certification for this submission

Schuster (Z) 99069 P US
09/917,504

Petition to Reconsider the Holding of Abandonment (3 pages) + additional page for deposit account

*It should be noted that the submission of November 3, 2003 included certified copies of 4 German Applications and a Certified Copy of PCT/EP99/09235. Certified copies of those documents are not available for re-submission. Therefore, only copies of the cover pages of those certified documents is included herewith.

Applicant hereby petitions to reconsider the holding of abandonment under 37 CFR 1.8(b)(3) because there was no abandonment in fact. I am the attorney of record for the above-mentioned Patent Application. I do hereby state and attest on personal knowledge that I mailed the response to the outstanding Office Action of 29 May 2003 on November 3, 2003. That response included a request for a three month extension of time to respond to the outstanding Office Action, which was paid by credit card, authorized on a PTO 2038. The response also included a first class mail certification attesting to the mailing date of November 3, 2003. I deposited the correspondence with the US Postal Service as first class mail in an envelope with sufficient postage addressed to Mail Stop Amendment with Fee- Art Unit 2873, PO Box 1450, Commissioner for Patents, Alexandria, Va. 22313-1450. To further substantiate this declaration, I enclose a US Postal Service receipt dated November 3, 2003, on which I noted "Schuster 99069" when I mailed the response.

This office interacted with the Examiner regarding this Abandonment once we were informed of the non-receipt of our submission. We inquired whether we could merely submit the un-received submission to the Examiner at this point, and inquired where that copy should be sent. The Examiner said that she would convey the copy to the official fax number. We telephoned the Petitions Office to determine the correct course of action and were informed that the only route to remedy the Patent Office's non-receipt of our November 3, 2003 submission

would be to file a Request for Reconsideration of Abandonment and Petition to Revive for Unavoidable Delay. Consequently, the current submission is made, rather than informally submitting the previously filed response to the Examiner, as discussed with the Examiner.

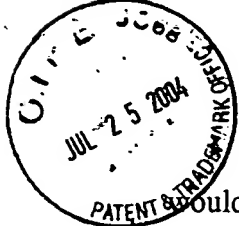
Included with this Petition to Reconsider the Holding of Abandonment under 37 CFR 1.181 is a Petition to Revive for Unavoidable Abandonment, should the Petition to Reconsider the Holding of Abandonment not be granted. I hereby state that the entire delay in filing this petition was unavoidable. Please charge deposit account 11-0665 for the prescribed \$100 petition fee, should the USPTO choose to grant Petition to Revive for Unavoidable Abandonment, rather than granting the Petition to Reconsider the Holding of Abandonment. A duplicate page is enclosed for this purpose.

This Petition is being submitted to the Mail Stop Office of Petitions, PO Box 1450, Commissioner for Patents, Alexandria, Va. 22313-1450 by express mail on July 25, 2004, including an express mail certification.

Respectfully submitted,



M. Robert Kestenbaum
Reg. No. 20,430
11011 Bermuda Dunes NE
Albuquerque, NM USA 87111
Telephone (505) 323-0771
Facsimile (505) 323-0865



ould be to file a Request for Reconsideration of Abandonment and Petition to Revive for Unavoidable Delay. Consequently, the current submission is made, rather than informally submitting the previously filed response to the Examiner, as discussed with the Examiner.

Included with this Petition to Reconsider the Holding of Abandonment under 37 CFR 1.181 is a Petition to Revive for Unavoidable Abandonment, should the Petition to Reconsider the Holding of Abandonment not be granted. I hereby state that the entire delay in filing this petition was unavoidable. Please charge deposit account 11-0665 for the prescribed \$100 petition fee, should the USPTO choose to grant Petition to Revive for Unavoidable Abandonment, rather than granting the Petition to Reconsider the Holding of Abandonment. A duplicate page is enclosed for this purpose.

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Respectfully submitted,

M. Robert Kestenbaum
Reg. No. 20,430
11011 Bermuda Dunes NE
Albuquerque, NM USA 87111
Telephone (505) 323-0771
Facsimile (505) 323-0865

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Schuster

Docket No.

(Z) 99069 P US

Serial No.

09/917,504

Filing Date

July 27, 2001

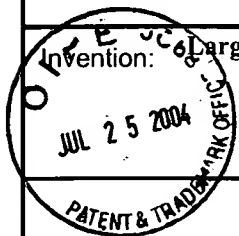
Examiner

Raizen

Group Art Unit

2873

Invention: Large Apertured Projection Lens with Minimal Diaphragm Error



I hereby certify that the following correspondence:

Request to Reconsider Holding of Abandonment with Petition to Revive for Unavoidable Abandonment, plus enclosures delineated therein

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 25, 2004*(Date)*M. Robert Kestenbaum*(Typed or Printed Name of Person Mailing Correspondence)*

A handwritten signature in dark ink, appearing to read "M. Robert Kestenbaum", written over a horizontal line.

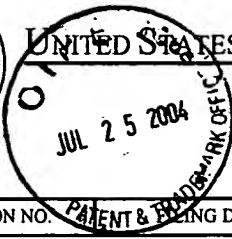
*(Signature of Person Mailing Correspondence)*ET659369327US*("Express Mail" Mailing Label Number)*

ET 659369327 US

Note: Each paper must have its own certificate of mailing.



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,504	07/27/2001	Karl-Heinz Schuster	(Z) 99069 P US	6246

7590

06/08/2004

M. Robert Kestenbaum
11011 Bermuda Dunes NE
Albuquerque, NM 87111

EXAMINER

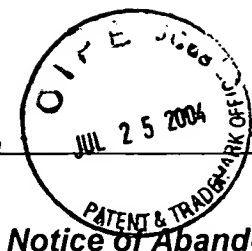
RAIZEN, DEBORAH A

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.	Applicant(s)	
09/917,504	SCHUSTER ET AL.	
Examiner	Art Unit	
Deborah A. Raizen	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

AUG 02 2004

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 29 May 2003.
(a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
(b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
(c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
(d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
(a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
(b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
(c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
(a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
(b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Interview Summary

Application No.

09/917,504

Applicant(s)

SCHUSTER ET AL.

Examiner

Deborah A. Raizen

Art Unit

2873

All participants (applicant, applicant's representative, PTO personnel):

(1) Deborah A. Raizen.

(3) _____.

(2) Laurie Kestenbaum.

(4) _____.

Date of Interview: 08 May 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: no.


Identification of prior art discussed: no.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview: Laurie Kestenbaum called the examiner to say that a response to the non-rejection of May 29, 2003, was filed in November, 2003. However, she said that they do not have a receipt postcard. She asked if she could submit the amendment directly to the examiner. The examiner gave her the RightFax number and indicated that she would route it to the official fax number. The examiner is now sending the attached notice of abandonment because she cannot consider evidence that the case is not abandoned. As of June 4, 2004, examiner has not received a fax from applicant's representative.



A handwritten signature in cursive script, reading "Georgia Epps".

Georgia Epps
Supervisory Patent Examiner
Technology Center 2800



***** WELCOME TO *****
HIGHLAND STATION
ALBUQUERQUE, NM 87108-9998
11/03/03 12:51PM

Store USPS Trans 116
Wkstn sys5005 Cashier KZ4YYX
Cashier's Name EUNITA
Stock Unit Id WINEUNITA
PO Phone Number 505-346-0891
USPS # 3401500108

1. GPM Large	9.00
Destination:	Germany
Weight:	11.80oz
Postage Type:	PVI
Total Cost:	9.00
Base Rate:	9.00
Label#:	LX692196165US
2. Air Letter-post	3.20
Destination:	Germany
Weight:	3.90oz
Postage Type:	PVI
Total Cost:	3.20
Base Rate:	3.20
3. Air Letter-post	1.60
Destination:	Germany
Weight:	1.40oz
Postage Type:	PVI
Total Cost:	1.60
Base Rate:	1.60
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Weight:	7.50oz
Postage Type:	PVI
Total Cost:	6.40
Base Rate:	6.40
5. Priority Mail	7.85
Destination:	22313
Weight:	21b 14.10oz
Postage Type:	PVI
Total Cost:	7.85
Base Rate:	7.85

Subtotal 28.05
Total 28.05

DebitCard 28.05
Purchase 28.05
Cash Back 0.00

<23-902810118-95>
DebitCard
ACCT. NUMBER 4714
AUTH 062106
SYS TRACE # 062106
EXP 05/04
CLERK ID 16
DEBIT TRANS # 817

REFUNDS ONLY PER DMM P014

Number of Items Sold: 5

Thank You
Please come again!

Schuster
99069



Re: US Application
Filed
Applicant
Attorney Docket

09/917,504
July 27, 2001
Schuster
(Z) 99069 P US

Amendment (15 pages) in response to Office Action mailed 05/29/03, Substitute Specification (12 pages plus 4 tables) Certified copies of 4 German Applications: Certified copy of PCT/EP99/09235, Copy of text from textbook "Optics", request for Large Entity three month extension, Credit Card Payment Form PTO-2038 for large entity 3 month extension fee \$950, plus \$258 for 3 independent claims over plus \$972 for 54 claims over 20 totalling \$2180, copy for Deposit Account 11-0 First Class Mail Certification for November 3, 2003.

MAILED & CERTIFIED
ON Nov. 3, 2003

(Acknowledgement Postcard)